

Amendment No. 1 to HB2649

**Fowlkes
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2651

House Bill No. 2649*

By deleting in its entirety all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-321, is amended by adding the following new subsection (e):

(1) When a person is arrested on or after July 1, 2006, for the commission of a violent felony as defined in subdivision (2), such person shall have a biological specimen for the purpose of DNA analysis taken to determine identification characteristics specific to the person as defined in subsection (a). After a determination by a magistrate or a grand jury that probable cause exists for the arrest, a sample shall be taken prior to the person's release from custody. The biological specimen shall be taken by means of a cotton swab that is drawn across the inside of the arrested person's mouth. The cotton swab shall be maintained by the law enforcement agency making the arrest until the disposition of the charge against such person. If such person is acquitted at trial or the charges dismissed, the cotton swab shall be destroyed, provided there is no other pending qualifying warrant or capias for an arrest or felony conviction that would otherwise require the sample remain with the law enforcement agency.

(2) As used in this subsection "violent felony" means:

- (A) First or second degree murder;
- (B) Aggravated child abuse;
- (C) Sexual battery, sexual battery by an authority figure or aggravated sexual battery; or
- (D) Rape, aggravated rape or rape of a child.

SECTION 2. For purposes of each arresting authority establishing procedures and protocols for the collection of biological specimens pursuant to this act, this act shall

take effect upon becoming a law, the public welfare requiring it. For all other purposes it shall take effect on July 1, 2006, and shall apply to any person arrested for an applicable offense on or after such date.